

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

SHARON STEWART, )  
Plaintiff, )  
v. )  
WILLIAM MAYBERRY, J.B. HUNT )  
TRANSPORT, INC. and GREGORY )  
WILKERSON, )  
Defendants. )

Case No.: 4:09-CV-00569

<b>MOTION:</b>	<input checked="" type="checkbox"/>
<b>Granted</b>	<input type="checkbox"/>
<b>Denied</b>	<input type="checkbox"/>
<b>OVERRULED</b>	<input type="checkbox"/>
<b>Date</b>	05/14/09

**MOTION FOR LEAVE TO FILE OPPOSITION TO**  
**MOTION FOR REMAND OUT OF TIME**

COMES NOW the defendant, William Mayberry, by and through his attorneys, Donovan, Rose, Nester & Joley, P.C., and for his Motion for Leave to File Opposition to Motion For Remand Out of Time states as follows:

1. Plaintiff electronically filed his Motion for Remand on April 30, 2009.
2. That upon review of the Local Rules for the Eastern District of Missouri, the Rules do not specifically provide a time for response to Motion for Remand, other than the general five day response time provided in Local Rule 7-4.01. Using the five business days provided in that rule, the response to this motion would have been due on or about May 8, 2009.
3. The plaintiff's Motion for Remand raises several issues requiring extensive research in order to adequately respond. That defendant attaches hereto its Opposition to Plaintiff's Motion for Remand.
4. That no party would be prejudiced and the interest of justice would be served by allowing Defendant's Motion to File Opposition Out of Time.

WHEREFORE, Defendant prays that this Court allow its Motion for Leave to File its Opposition to Motion for Remand Out of Time, and allow Defendant to file its Opposition to Motion for Remand Instanter.